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DOC #:

FILED: 3/6/2024

March 6, 2024

The Honorable Colleen McMahon
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: 1:23-cv-10475-CM; Plaintiff's Request for an Adjournment of the Initial Pretrial Conference

Ok, Conference adjourned

Colleen McMahon

3/6/2024

Dear Judge McMahon,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference until after the Defendant has been named and served.

On November 30, 2023, Plaintiff filed the instant case against John Doe subscriber assigned IP address 70.23.201.80 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On January 4, 2024, the Court granted Plaintiff leave to serve a third-party subpoena [CM/ECF 9]. Plaintiff served Defendant's ISP with a third-party subpoena on or about January 11, 2024, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about March 11, 2024.

On February 27, 2024, Plaintiff filed its First Motion for Extension of Time Within Which to Effectuate Service on Defendant ("First Motion for Extension"). [CM/ECF 10].

On March 5, 2024, the Court granted Plaintiff's First Motion to Extension, extending the deadline to effect service of process to May 10, 2024. [CM/ECF 11].

Pursuant to the Initial Pretrial Scheduling Order entered on December 13, 2023 there is an Initial Conference scheduled for March 7, 2024 at 11:15 a.m. [CM/ECF 6]. Because Defendant's identity is currently unknown to Plaintiff, Plaintiff is unable to confer with counsel for Defendant at this time and submit a joint letter and proposed Case Management Plan.

For the foregoing reasons, Plaintiff respectfully requests that the Initial Pretrial Conference currently scheduled for March 7, 2024 be adjourned until after the Defendant has been named and served with the summons and Amended Complaint.

Respectfully Submitted,

By: /s/Jacqueline M. James
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